

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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JULIUS KORNHAUSER,

Petitioner,

v.

SUPREME COURT, CIVIL BRANCH, COUNTY  
OF NEW YORK (MANHATTAN),

Respondent.

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Civ. No. 16-2026 (RBK)

**OPINION**

**ROBERT B. KUGLER, U.S.D.J.**

Petitioner is a federal prisoner currently incarcerated at F.C.I. Fort Dix in Fort Dix, New Jersey. Petitioner was previously granted *in forma pauperis* status. He is proceeding *pro se* with a petition for writ of mandamus. Petitioner requests that:

This Court issue an order directing that respondent, immediately, respond to his motion requesting relief from family court’s “order of dismissal and finding of fact,” submitted to respondent on September 9, 2015, and November 30, 2015.

(Dkt. No. 1 at p. 1)

At this time, this Court will screen the petition pursuant to 28 U.S.C. § 1915(e)(2)(B) to determine whether it should be dismissed as frivolous or malicious, for failing to state a claim upon which relief may be granted or because it seeks monetary relief from a defendant who is immune from suit. For the following reasons, the petition for writ of mandamus will be summarily dismissed.

Under 28 U.S.C. § 1361, a district court has “jurisdiction over a mandamus action to compel an employee of the United States to perform a duty owed to the plaintiff.” *Taylor v. Hayman*, 435 F. App’x 62, 63 (3d Cir. 2011). In this case, however, petitioner seeks an order to

compel *state officials* to perform an act. Such an order would not fall within this Court's mandamus jurisdiction. *See id.*; *see also In re Brown*, 382 F. App'x 150, 150-51 (3d Cir. 2010) (“[T]o the extent that Brown seeks an order directing state courts or state officials to take action, the request lies outside the bounds of our mandamus jurisdiction as a federal court.”) (citing *In re Tennant*, 359 F.3d 523, 531 (D.C. Cir. 2004)). Petitioner should seek relief in the state courts.

Accordingly, for the foregoing reasons, the petition for writ of mandamus will be summarily dismissed. An appropriate order will be entered.

DATED: July 11, 2016

s/Robert B. Kugler  
ROBERT B. KUGLER  
United States District Judge